

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ALISA JOHNSON, *et al.*,

Plaintiffs,

v.

Civil No.: 1:24-cv-02283-JRR

ACTIVEHOURS, INC. d/b/a EARNIN.,

Defendant.

ORDER

Pending before the court is Defendant Activehours, Inc. d/b/a EarnIn’s Motion to Dismiss (ECF No. 16, the “Motion”). Plaintiffs allege that Defendant—operator of EarnIn, a mobile application that provides users with cash advances of earned wages—violated the Maryland Consumer Loan Law (“MCLL”), the Maryland Consumer Protection Act (“MCPA”), and the Truth in Lending Act (“TILA”). Defendant moves for dismissal on the grounds that the MCLL does not apply to its business. Defendant further insists that because Plaintiffs’ MCPA claim is rooted in allegations that Defendant violated the MCLL, if the MCLL claim is dismissed, Plaintiffs’ MCPA claim also fails.

On May 25, 2025, Maryland House Bill 1294 became law. The Bill, “Earned Wage Access and Credit Modernization,” has “the purpose of subjecting certain earned wage access products to the [MCLL] and other provisions that regulate entities that provide consumer credit” 2025 Md. Laws Ch. 847 (H.B. 1294). In the motions papers, both parties reference an earlier, failed attempt by the Maryland legislature to pass similar legislation. The parties dispute the significance and meaning of this failed legislation; Plaintiffs assert the bill may have failed for any number of reasons including that the legislature believed MCLL already covered earned wage access

products; Defendants counter that the proposed legislation demonstrates that the MCLL does not apply. While H.B. 1294 will not take effect until October 1, 2025, in light of its passage, the court directs the parties to submit supplemental briefing regarding the effect, if any, of H.B. 1294. Accordingly, it is this 24th day of June 2025,

ORDERED that the parties shall submit supplemental briefs not to exceed ten (10) pages on July 8, 2025, no later than 12PM. No responsive briefs shall be filed.

/S/
Julie R. Rubin
United States District Judge